LISTING OF THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A writing instrument comprising an ink-storage portion adapted to store a water-based opaque ink coloring composition ~~suitable for use in markers comprising,~~ said storage portion containing a fibrous filler material, in contact with a writing tip of said writing instrument, which is adapted to provide absorption and release of the water-based opaque ink coloring composition onto a writing surface by capillary action, wherein said water-based opaque ink coloring composition comprises:

(a) a carrier comprising water;

(b) a dimethicone copolyol; and

(c) submicron polymeric particles having an outer polymeric shell which defines an inner hollow region,

wherein said composition does not contain either titanium dioxide or a neutral buoyancy additive and wherein at least the dimethicone copolyol and the polymeric particles are cohesively bonded to one another to provide a ~~substantially~~ homogeneous non-settling ink composition .

2. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, wherein said submicron polymeric particles are modified with compounds selected from the group consisting of dyes, pigments, and mixtures thereof.

3. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, wherein the inner hollow region of said submicron polymeric particles contains water.

4. (Currently Amended) The writing instrument ~~water-based coloring composition~~ according to claim 1, wherein said submicron polymeric particles are microspheres.

5. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, wherein said submicron polymeric particles are in the form of styrene/acrylic emulsion.

6. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, wherein said submicron polymeric particles are present in an amount from about 5% by weight to about 80% by weight of the coloring composition.

7. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, wherein said water is deionized water.

8. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, wherein said water is present in an amount from about 3% by weight to about 50% by weight of the coloring composition.

9. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, wherein said coloring composition has a density of about 8.0 lbs/gal to about 9.0 lbs/gal.

10. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 7, wherein said coloring composition has a viscosity of from about 1 to about 20 centipoises.

11. (Currently Amended) The writing instrument ~~water-based coloring composition~~ according of claim 1, further comprising a colorant.

12. (Currently Amended) The writing instrument ~~water-based coloring compositions~~ of claim 11, wherein said colorant is selected from the group consisting of dyes, pigments, and mixtures thereof.

13. (Currently Amended) The writing instrument ~~water-based coloring compositions~~ of claim 1, further comprising a humectant.

14. (Currently Amended) The writing instrument ~~water-based coloring compositions~~ of claim 13, wherein said humectant is a glycol.

15. (Currently Amended) The writing instrument ~~water-based coloring compositions~~ of claim 1, further comprising a surfactant that serves to lower surface tension and provide flow.

16. (Currently Amended) The writing instrument ~~water-based coloring compositions~~ of claim 15, wherein said surfactant is in the form of anionic, or non-ionic fluorocarbon.

17. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, further comprising a dispersing agent.

18. (Currently Amended) The writing instrument ~~water-based coloring compositions~~ of claim 1, further comprising a pH adjustor.

19. (Currently Amended) The writing instrument ~~water-based coloring compositions~~ of claim 1, further comprising an alcohol or coalescent to improve drying speed.

20. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, further comprising a release agent.

21. (Currently Amended) The writing instrument ~~water-based coloring composition~~ of claim 1, wherein said dimethicone copolyol is a silicone copolymer.

22-23. (Canceled).

24. (Currently Amended) The ~~marking~~ writing instrument of claim [[21]] 1 wherein said water-based opaque ink coloring composition is in a filler material.

25 (Currently Amended) The ~~marking~~ writing instrument of claim [[21]] 1 wherein said water-based opaque ink coloring composition is free and not in a filler material.